IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO : 35955 of 1997

Between:

1. Dr. Baba Saheb Ambedkar Labour Contract (S.C) Co-op. Society,
Reg. No.422/TH, rep.by its President, P. Shankaraiah
S/o. P.Bhushaiah, R/o. Yadavalli,
Kanagal Manda, Nalgonda District.
2. Siddhartha Labour Contracts (S.C) Registered Society,
Reg.No. 517/TH, rep. by its President Beepangi Yadaiah,
S/o. B. Lingaiah, R/o. Marrigudem Village, Chotupalli Mandal,
Nalgonda District.
3. Sri Janaki Rama Vaddera Labour Contract Co-op.Society,
rep. by its President O.V.Narasiah,S/o. Ramulu,
R/o. Lingotam Village, Choutuppal Mandal, Nalgonda District.
4. Andalamma Waddera Labour Contract Co-op. Society rep. by its
President Eddamma, W/o. Ramachandraiah,
R/o. Gandhinagar, Nalgonda.
5. Waddera Labour Casual Contract Society, Reg.No. 428/TH,
rep. by its President V.Bhiksham, S/o. V. Yadaiah,
R/o. Gandhamvari Gudem, Nalgonda District.
6. Waddera Labour Contract Co-op Society, reg.No.279/TH,
rep.by its President K.Ramachandraiah,S/o. K.Maisaiah,
R/o. Dandempalli, Nalgonda District.
7. Harijana Labour Contract Co-Op. Society, Reg.No. 543TH,
rep.by its President B.Ashok Kumar,S/o. B.Samuel,
R/o. Nalgonda.

...PETITIONERS

AND

1. The State of A.P., Rep. by its Secretary, Finance and Planning,
Secretariat Buildings, Hyderabad.
2. The Chief Engineer, Erramanzil, Hyderabad.
3. Superintending Engineer, Irrigation Circle, Hyderabad.
4. Superintending Engineer, R & B Circle, Hyderabad.
5. Executive Engineer, R & B Circle, Nalgonda.
6. Superintending Engineer, Panchayat Raj Circle, Nalgonda.
7. Superintending Engineer, Public Health West Circle, Hyderabad.
8. Superintending Engineer, SLBC, Circle, I & II Nalgonda.
9. Superintending Engineer, Canal Circle, N.S.P. Tekulapalli,
Khammam Dist.
10. Executive Engineer, Canal Maintenance Division, Mirayalaguda,

Nalgonda Dist.

11. The Managing Director, A.P., State Police Housing Corporation, Saifabad, Hyderabad.
12. Superintending Engineer, I, Irrigation Circle, Warangal.
13 Executive Engineer, S.C. Corporation, Nalgonda.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or direction, more particularly one in the nature of WRIT OF MANDAMUS: i. declaring the action of the Respondent No. 1 in directing the Authorities Vide his Memo No. 1364/22/CST/XVI/REV/95, dated 24-1-1996, to insist on submission the Tax Clearance certificate from the Commercial Tax Department along with the Tenders and also demanding the payment of Earnest Money Deposit and the G.O. Ms. No. 178 Irrigation & CAD (PW-COD) Dept. Dated 27-9-1997 issued by the 1st respondent discriminating the Labour Contract Works in to six class depriving the right to participate in the Tenders, Abinitio as Illegal, arbitrary and violative of Articles 14,16 and 21 of the Constitution of India and to set aside the same. ii. to award costs of this Writ petition.

Counsel for the Petitioner: MR. S. V. ANAND RAO (Not present)

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following:

ORDER: -

This writ petition is filed seeking *mandamus* to declare the action of the first respondent in directing the authorities vide his Memo No.1364/22/CST/XVI/REV/95, dated 24-1-1996, to insist submission of the tax clearance certificate from the Commercial Tax Department along with the tenders and also demanding payment of earnest money deposit and that the G.O. Ms. No. 178 Irrigation & CAD (PW-COD) Department dated 27-9-1997 issued by the 1st respondent discriminating the labour contract works into six class depriving the right to participate in the tenders, as illegal and arbitrary and to set aside the same.

2. This Court on 02-01-1998 while admitting the writ petition passed an order in W.P.M.P.No.42244 of 1997 directing the respondent authorities not to insist upon the earnest money deposit, sales tax clearance certificate and experience certificate

to issue tenders to the petitioners provided the work is less than Rs.20 lakhs.

3. When the matter is called, no representation is made on behalf of petitioners.

4. The learned Government Pleader for Irrigation submitted that the relief sought for by the petitioners has become infructuous.

5. Accordingly, the writ petition is dismissed as infructuous. No costs.

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N. V. RAMANA, J

Dt.04-04-2005

Glv

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1. The Secretary, Finance and Planning, State of Andhra Pradesh,
   Secretariat Buildings, Hyderabad.
2. The Chief Engineer, Erramanzil, Hyderabad.
3. The Superintending Engineer, Irrigation Circle, Hyderabad.
4. The Superintending Engineer, R & B Circle, Hyderabad.
5. The Executive Engineer, R & B Circle, Nalgonda.
6. The Superintending Engineer, Panchayat Raj Circle, Nalgonda.
7. The Superintending Engineer, Public Health West Circle, Hyderabad.

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10. The Executive Engineer, Canal Maintenance Division, Mirayalaguda, Nalgonda Dist.
11. The Managing Director, A.P., State Police Housing Corporation, Saifabad, Hyderabad.
12. The Superintending Engineer, I, Irrigation Circle, Warangal.
13 The Executive Engineer, S.C. Corporation, Nalgonda.

14. Two CCs. to the G.P., for Irrigation & Command area Development, High Court Buildings, Hyderabad. (OUT).

Two CD copies

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